

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

MICROLINC, L.L.C.,	§	
	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 2:07-CV-488 (TJW)
	§	
INTEL CORPORATION, ET AL,	§	JURY DEMAND
	§	
Defendants.	§	
	§	

**JOINT RESPONSIVE SUBMISSION REGARDING JOINT MOTION TO RESOLVE  
DISPUTES AND ENTER A PROTECTIVE ORDER**

The parties hereby submit a revised proposed Protective Order for the Court to consider in connection with the parties' Joint Motion To Resolve Disputes and Enter A Protective Order. The proposed order reflects the parties' current positions as stated in their April 2, 2010 filings, and it continues to highlight the terms that remain in dispute in side-by-side format at paragraph 31 (source code production) and paragraph 33 (prosecution bar). The parties also submit responsive argument to the Court in support of their respective terms.

Plaintiff's responsive argument in support of its proposed protective order terms governing production of source code and the prosecution bar is attached as Appendix A. Defendants' responsive argument in support of its proposed protective order terms governing production of source code and the prosecution bar is attached as Appendix B.

The parties jointly respectfully move the Court to resolve these remaining disputes and enter a Protective Order to govern the treatment of confidential material in this litigation.

Dated: April 7, 2010

Respectfully submitted,

/s/ Elizabeth L. DeRieux with permission by  
Robert M. Parker

S. Calvin Capshaw, III  
State Bar No. 03783900  
Elizabeth L. DeRieux  
State Bar No. 05770585  
CAPSHAW DERIEUX, LLP  
1127 Judson Road, Suite 220  
Longview, Texas 75601  
Telephone: (903) 236-9800  
Facsimile: (903) 236-8787  
E-mail: ccapshaw@capshawlaw.com  
E-mail: [ederieux@capshawlaw.com](mailto:ederieux@capshawlaw.com)

Joseph M. Vanek – *admitted pro hac vice*  
IL State Bar No. 6197046  
Thomas A. Vickers – *admitted pro hac vice*  
IL State Bar No. 6226288  
David P. Germaine – *admitted pro hac vice*  
IL State Bar No. 6274984  
Jeffrey R. Moran – *admitted pro hac vice*  
IL State Bar No. 6283573  
VANEK, VICKERS & MASINI, P.C.  
111 S. Wacker Drive, Suite 4050  
Chicago, IL 60606  
Telephone: (312) 224-1500  
Facsimile: (312) 224-1510  
Email: [jvanek@vaneklaw.com](mailto:jvanek@vaneklaw.com)  
Email: [tvickers@vaneklaw.com](mailto:tvickers@vaneklaw.com)  
Email: [dgermaine@vaneklaw.com](mailto:dgermaine@vaneklaw.com)  
Email: [jmoran@vaneklaw.com](mailto:jmoran@vaneklaw.com)

Eugene M. Cummings  
State Bar No. 556394  
David M. Mundt  
State Bar No. 6243545  
David Lesht – *admitted pro hac vice*  
State Bar No. 6180985  
Martin Goering – *admitted pro hac vice*  
State Bar No. 6286254  
Konrad V. Sherinian – *admitted pro hac vice*  
State Bar No. 6290749  
Panasarn Aim Jirut

State Bar No. 6281877  
EUGENE M. CUMMINGS, P.C.  
One North Wacker Drive, Suite 4130  
Chicago, IL 60606  
Telephone: (312) 984-0144  
Facsimile: (312) 984-0146  
Email: ecummings@emcpc.com  
Email: dmundt@emcpc.com  
Email: dlesht@emcpc.com  
Email: mgoering@emcpc.com  
Email: ksherinian@emcpc.com  
Email: ajirut@emcpc.com  
Email: erylne@emcpc.com

**ATTORNEYS FOR PLAINTIFF  
MICROLINC, LLC**

Respectfully submitted,

/s/ Robert M. Parker

Robert M. Parker

State Bar No. 15498000

Robert Christopher Bunt

State Bar No. 00787165

Charles Ainsworth

State Bar No. 00783521

Andrew Thompson Gorham

State Bar No. 24012715

PARKER, BUNT & AINSWORTH, P.C.

100 East Ferguson, Suite 1114

Tyler, Texas 75702

Telephone: (903) 531-3535

Facsimile: (903) 533-9687

rmparker@pbatyler.com

rcbunt@pbatyler.com

charley@pbatyler.com

tgorham@pbatyler.com

/s/ Mark G. Matuschak with permission by Robert  
M. Parker

Mark G. Matuschak

Richard Goldenberg

WILMER CUTLER PICKERING

HALE AND DORR LLP

60 State Street

Boston, Massachusetts 02109  
Telephone: (617) 526-6000  
Facsimile: (617) 526-5000  
mark.matuschak@wilmerhale.com  
richard.goldenberg@wilmerhale.com

Todd C. Zubler  
District of Columbia Bar No. 459216  
Amanda L. Major  
David R. Smith  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
1875 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006  
Telephone: (202) 663-6000  
Facsimile: (202) 663-6363  
todd.zubler@wilmerhale.com  
amanda.major@wilmerhale.com  
david.smith@wilmerhale.com

Michael E. Jones  
State Bar No. 10929400  
Allen Franklin Gardner  
State Bar No. 24043679  
POTTER MINTON, P.C.  
110 N. College, 500 Plaza Tower  
Tyler, TX 75702  
Telephone: (903) 597-8311  
Facsimile: (903) 593-0846  
mikejones@potterminton.com  
allengardner@potterminton.com

Eric H. Findlay  
State Bar No. 00789886  
Findlay Craft, LLP  
6760 Old Jacksonville Hwy  
Suite 101  
Tyler, TX 75703  
Telephone: (903) 534-1100  
Facsimile: (903) 534-1137  
efindlay@findlaycraft.com

Harry L. Gillam, Jr.  
State Bar No. 07921800  
GILLAM & SMITH, L.L.P.  
303 South Washington Avenue

Marshall, TX 75670  
Telephone: (903) 934-8450  
Facsimile: (903) 934-9257  
gil@gillamsmithlaw.com

**ATTORNEYS FOR DEFENDANT  
INTEL CORPORATION**

/s/ John Fedock with permission by Robert M.  
Parker

Willem G. Schuurman  
bschuurman@velaw.com  
Christopher Ryan  
cryan@velaw.com  
Juliet Dirba  
jdirba@velaw.com  
John Fedock  
jfedock@velaw.com  
VINSON & ELKINS  
2801 Via Fortuna, Suite 100  
Austin, TX 78746

Deron R. Dacus  
Texas Bar No. 00790553  
derond@rameyflock.com  
RAMEY & FLOCK, P.C.  
100 E. Ferguson, Suite 500  
Tyler, TX 75702  
Telephone: (903) 597-3301  
Facsimile: (903) 597-2413

**ATTORNEYS FOR DEFENDANT  
ADVANCED MICRO DEVICES, INC.**

/s/ Robert S. Hill with permission by Robert M.  
Parker

Thomas R. Jackson, Esq.  
Attorney-in-Charge  
State Bar No. 10496700  
trjackson@jonesday.com  
Daniel T. Conrad, Esq.  
State Bar No. 24026608  
dtconrad@jonesday.com

Robert S. Hill, Esq.  
State Bar No. 24050764  
JONES DAY  
2727 North Harwood Street  
Dallas, Texas 75201-1515  
Telephone: (214) 220-3939  
Facsimile: (214) 969-5100

Richard Ulmont Campbell  
rcampbell@jonesday.com  
JONES DAY  
1420 Peachtree Street  
Suite 800  
Atlanta, GA 30309-3053  
Telephone: (404) 581-8052  
Facsimile: (404) 581-8330

**ATTORNEYS FOR DEFENDANT  
DELL INC.**

/s/ Eric Huang with permission by Robert M.  
Parker

Melvin R. Wilcox, III  
State Bar No. 21454800  
mrw@yw-lawfirm.com  
YARBROUGH & WILCOX PLLC  
100 E. Ferguson Street  
Tyler, Texas 75702  
Telephone: 903.595.1133  
Facsimile: 903.595.0191

Kevin P.B. Johnson (admitted pro hac vice)  
kevinjohnson@quinnemanuel.com  
QUINN EMANUEL URQUHART  
OLIVER & HEDGES, LLP  
555 Twin Dolphin Drive, 5<sup>th</sup> Floor  
Redwood Shores, California 94065  
Telephone: (650) 801-5000  
Facsimile: (650) 801-5100

Eric Huang (admitted pro hac vice)  
erichuang@quinnemanuel.com  
QUINN EMANUEL URQUHART  
OLIVER & HEDGES, LLP

51 Madison Avenue, 22nd Floor  
New York, New York 10010  
Telephone: (212) 849-7000  
Facsimile: (212) 849-7100

**ATTORNEYS FOR DEFENDANT  
SONY COMPUTER ENTERTAINMENT  
AMERICA, INC.**

/s/ Elizabeth A. Howard with permission by  
Robert M. Parker

Elizabeth A. Howard  
ehoward@orrick.com

Kai Tseng  
ktseng@orrick.com

Helen Li  
hli@orric.com

ORRICK, HERRINGTON & SUTCLIFFE LLP  
1000 Marsh Road  
Menlo Park, CA 94025  
Telephone: (650) 614-7400  
Facsimile: (650) 614-7401

Trey Yarbrough  
(see above for address)

**ATTORNEYS FOR DEFENDANT ACER,  
INC., ACER AMERICA CORPORATION.  
and GATEWAY, INC.**

/s/ Pavan K. Agarwal with permission by Robert  
M. Parker

Guy N. Harrison  
State Bar No. 00000077

Harrison Law Firm  
217 N. Center Street  
Longview, Texas 75606  
Telephone: (903) 758-7361  
Facsimilar: (903) 753-9557  
guy@gnhlaw.com and  
cj-gnharrison@att.net

Pavan K. Agarwal, DC Bar No. 459614  
pagarwal@foley.com  
Matthew A. Smith, DC Bar No. 498460  
msmith@foley.com  
FOLEY & LARDNER LLP  
3000 K Street NW  
Suite 600  
Washington , DC 20007-5143  
Telephone: (202) 945-5300  
Facsimile: (202) 672-5399

**ATTORNEYS FOR DEFENDANT  
TOSHIBA AMERICA INFORMATION  
SYSTEMS, INC. and TOSHIBA  
CORPORATION**

/s/ Lucas Elliot with permission by Robert M.  
Parker

James A. Glenn  
Texas Bar No. 24032357  
MORGAN, LEWIS & BOCKIUS LLP  
1000 Louisiana, Suite 4000  
Houston, Texas 77002  
Telephone: (713) 890-5178  
Facsimile: (713) 890-5001  
jglenn@morganlewis.com

Lucas Elliot  
Texas Bar No. 06534150  
MORGAN, LEWIS & BOCKIUS LLP  
1000 Louisiana, Suite 4200  
Houston, Texas 77002  
Telephone: (713) 890-5185  
Facsimile: (713) 890-5001  
lelliot@morganlewis.com

David J. Levy  
Texas Bar No. 12264850  
MORGAN, LEWIS & BOCKIUS LLP  
1000 Louisiana, Suite 4200  
Houston, Texas 77002  
Telephone: (713) 890-5170  
Facsimile: (713) 890-5001  
dlevy@morganlewis.com



Thomas R. Davis  
Texas Bar No. 24055384  
MORGAN, LEWIS & BOCKIUS LLP  
1717 Main St., Suite 3200  
Dallas, TX 75201-7347  
Telephone: (214) 466-4000  
Facsimile: (214) 466-4001  
tdavis@morganlewis.com

Gary M. Gex  
Admitted *Pro Hac Vice*  
MORGAN, LEWIS & BOCKIUS LLP  
2 Palo Alto Square  
El Camino Real  
Palo Alto, CA 94306  
Telephone: (650) 843-7589  
Facsimile: (650) 843-4001

**ATTORNEYS FOR  
DEFENDANT HEWLETT-PACKARD  
COMPANY**

/s/ Lowell D. Mead with permission by Robert M.  
Parker

Timothy S. Teter  
CA State Bar No. 171451  
teterts@cooley.com  
Lowell D. Mead  
CA State Bar No. 223989  
lmead@cooley.com  
COOLEY GODWARD KRONISH LLP  
101 California Ave., 5th Floor  
San Francisco, CA 94111-5800  
Telephone: (415) 693-2000  
Facsimile: (415) 693-2222

Matthew J. Brigham  
CA State Bar No. 191428  
mbrigham@cooley.com  
COOLEY GODWARD KRONISH LLP  
3000 El Camino Real  
Five Palo Alto Square  
Palo Alto, CA 94306  
Telephone: (650) 843-5000

Facsimile: (650) 857-0663

Eric M. Albritton  
Albritton Law Firm  
P.O. Box 2649  
Longview, Texas 75606  
(903) 757 – 8449 (office)  
(903) 758 – 7397 (fax)  
ema@emafirm.com  
www.emafirm.com

**ATTORNEYS FOR DEFENDANT APPLE,  
INC.**

/s/ Russell B. Hill with permission by Robert M.  
Parker

Trey Yarbrough  
State Bar No. 22133500  
Yarbrough & Wilcox, PLLC  
100 E. Ferguson, Ste. 1015  
Tyler, Texas 75702  
Telephone: (903) 595-0191  
Facsimile: (903) 595-0101  
E-mail: trey@yw-lawfirm.com

Russell B. Hill  
rhill@sheppardmullin.com  
Sheppard, Mullin, Richter & Hampton LLP  
650 Town Center Drive  
Fourth Floor  
Costa Mesa, CA 92626  
Telephone: (714) 513-5100  
Facsimile: (714) 513-5130

**ATTORNEYS FOR DEFENDANT LENOVO  
(UNITED STATES) INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that the all counsel of record who are deemed to have consented to electronic service are being served this 7<sup>th</sup> day of April, 2010, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Robert M. Parker  
Robert M. Parker